



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

[JUN 13 2006]

LEXICON GENETIOCS, INCORPORATED
8800 TECHNOLOGY FORREST PLACE
THE WOODLANDS, TX 77381-1160

In re Application of :
D. Wade Walke et al :
Serial No.: 09/997,191 : PETITION DECISION
Filed: November 20, 2001 :
Attorney Docket No.: LEX-0270-USA :

This is in response to the petition under 37 CFR 1.181, filed May 25, 2005, requesting the Office to withdraw a holding of abandonment. The delay in acting on this petition is regretted.

The file history shows that the Board of Patent Appeals and Interferences (Board) rendered a decision on March 18, 2005, affirming all of the examiner's rejections. The examiner, in view of the decision, mailed a Notice of Abandonment to applicants on April 29, 2005, which Notice was premature. Applicants timely filed a Request for Rehearing before the Board on May 18, 2005, and this petition to withdraw the premature abandonment on May 25, 2005. The examiner, unaware of the Request for Rehearing, mailed a second Notice of Abandonment to applicants on May 20, 2005. The second Notice would have been proper if no Request for Rehearing had been filed. These two Notices are or have been withdrawn.

In any event, the Board conducted a rehearing and mailed a decision on August 30, 2005. On October 27, 2005, applicants filed a Notice of Withdrawal of Appeal, voluntarily concluding prosecution in this application. A third, and now proper, Notice of Abandonment was mailed to applicants on December 23, 2005.

Inasmuch as the relief requested by applicants' petition ensued in the normal processing of this application by the Board, the petition relied requested is now moot and the petition dismissed

The petition is **DISMISSED**.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number 571-273-8300.


John L. LeGuyader
Director, Technology Center 1600